

# United States District Court

EASTERN DISTRICT OF WISCONSIN

## JUDGMENT IN A CIVIL CASE

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In re Archdiocese of Milwaukee,

Debtor.

Bankruptcy Case No. 11-20059-SVK

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ARCHBISHOP JEROME E. LISTECKI,  
As Trustee of the Archdiocese of Milwaukee  
Catholic Cemetery Perpetual Care Trust,

Appellant,

Adv. Proc. No. 11-2459-SVK

V.

CASE NUMBER: 13-C-179

OFFICIAL COMMITTEE OF UNSECURED CREDITORS,

Appellee.

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- ☐ Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- ☒ **Decision by Court.** This action came on for consideration and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that the **Official Committee of Unsecured Creditors** cannot use the **Bankruptcy Code** to make the **Archdiocese of Milwaukee Catholic Cemetery Perpetual Care Trust** property of the bankruptcy estate because doing so would violate the **Religious Freedom Restoration Act of 1993 (42 USC § 2000bb et seq.) ("RFRA")** and the **First Amendment to the United States Constitution**.

**The motion of Jerome E. Listecki, as Trustee of the Archdiocese of Milwaukee Catholic Cemetery Perpetual Care Trust for summary judgment, is GRANTED.**

**The motion of the Official Committee of Unsecured Creditors for partial summary judgment, is DENIED.**

**This action is hereby DISMISSED.**

August 1, 2013  
Date

JON W. SANFILIPPO  
Clerk

s/ Linda M. Zik  
(By) Deputy Clerk

Approved:

  
Hon. Rudolph T. Randa  
U.S. District Judge

August 1, 2013  
Date